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**MEMO ENDORSED**

July 24, 2008

Honorable John G. Koeltl  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

<b>USDS SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
DOC #: _____
DATE FILED: <u>7-28-08</u>

Re: United States v. Felix Cruz  
07 Cr. 997 (JGK)

Dear Judge Koeltl:

I write to inform the Court that I will not be in New York on August 19, 2008, the trial date previously set for this case. On the date of my appointment, I was unaware that a trial date had been set or would have informed the Court of my unavailability. I have met twice with Mr. Cruz since last week's status conference and discussed my unavailability with him. Although he had not yet determined whether he wishes to have me represent him or whether he wishes to proceed *pro se*, he understands that the trial date would need to be changed in order for me to be present and has not expressed any opposition to changing the trial date.

On behalf of the government, AUSA Christian Everdell consents to a change of trial date.

Very truly yours,

/s/ Bobbi C. Sternheim

BOBBI C. STERNHEIM

cc: AUSA Christian Everdell

*The Court will adjourn the trial date to an appropriate date in the future. The Court will consider the issues at the conference now scheduled for July 30, 2008 at 4<sup>30</sup> P.M.*

*7/25/08* *so ordered.*  
*gr 6/Kgelp*  
*U.S.D.*